

By the Judgement of 20 October 2022 № 45-II the Constitutional Court assessed constitutionality Article 15.33² of the Code of the Russian Federation on Administrative Offenses.

This legal provision in its contested version (in force before the entry into force of Federal Law № 90-ФЗ of 1 April 2020), as well as part 1 of its' version in force, were subject of consideration to the extent that in the system of current legal regulation they allow for bringing of an official of the insurer organization to administrative liability for failure to submit for the bodies of the Pension Fund of the Russian Federation in the timeframe established by the legislation of the Russian Federation on individual (personalized) accounting in the compulsory pension insurance system the duly executed information (documents) necessary for maintaining such records, as well as for incomplete submission of said information, or submission of distorted information, if by a judicial act that has become final the court has refused the body of the Pension Fund of the Russian Federation to collect financial penalty from the insurer organization, the actions (omission) of which have not been classified as an offense.

The said legal provision in its contested version, as well as part 1 of its' version in force are recognized as not contradicting the Constitution of the Russian Federation since by securing the established grounds for administrative liability for the said acts, they, in their constitutional and legal meaning, assume that if in a final judicial act the actions (omission) of the insurer organization, caused by the actions (omission) of its official, are not qualified as offense in accordance with the legislation of the Russian Federation on individual (personalized) registration in compulsory pension insurance system, if the existence of grounds for holding such an organization liable for its actions (omission) is refuted, then law enforcement agencies are obliged, if there are reasons for doing so, to specifically justify the possibility of applying these rules – taking into account the specified circumstance – in relation to such an official.